

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MERCEDES CERNA,

Plaintiff,

v.

Civ. No. 13-1077 JAP/GBW

LONESTAR DISTRIBUTION CORPORATION,

Defendant.

ORDER REGARDING PLAINTIFFS' COUNSEL'S MOTION TO WITHDRAW

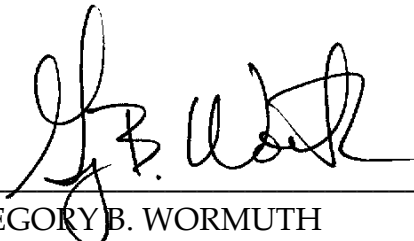
THIS MATTER is before the Court on Plaintiff's Counsel's Motion to Withdraw. (*Doc. 44*). To protect litigants and the judicial process, the Local Rules of this District impose numerous requirements on those attorneys wishing to withdraw an appearance. If the withdrawal is unopposed by the client and other counsel, then the motion must comply with Local Rule 83.8(a). D.N.M.LR-Civ. 83.8(a). Rule 83.8(a) requires that the motion "indicate consent of the client." *Id.* Moreover, the motion must include the "notice of appointment of substitute attorney; or a statement of the client's intention to appear *pro se* and the client's address and telephone number." *Id.*

If the withdrawal is opposed by the client or other counsel, then the motion must comply with Local Rule 83.8(b). D.N.M.LR-Civ. 83.8(b). Rule 83.8 requires that such motions must, as a threshold matter, be "file[d] and serve[d] on all parties, including the client." *Id.* In addition, the moving attorney must "give notice in the motion that objections must be served and filed within fourteen (14) days from date of service of the

motion and that failure to object within this time constitutes consent to grant the motion." *Id.*

It is unclear whether the instant motion is opposed, but it does not comply with either of these rules. Accordingly, the Court will provide both Plaintiff Mercedes Cerna and opposing counsel fourteen (14) days from the date of this order within which to object to the motion. If no objections are filed within fourteen days, the Court will then grant counsel's motion to withdraw. If the motion is granted, Plaintiff will have seven (7) days to have new counsel file an entry of appearance. If no entry of appearance is made within that time, the Court will construe that inaction as Ms. Cerna's indication of her intent to proceed *pro se*.

In addition to electronic service to counsel, the Clerk is ordered to mail a copy of this order to Mercedes Cerna at 2805 Hightower Drive, Hobbs, New Mexico 88240.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE